

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MILL POND ASSOCIATES
LIMITED PARTNERSHIP,

Plaintiff,

v.

THE BANK OF NEW YORK,

*Defendant, and
Third-Party Plaintiff,*

v.

RELIANCE INSURANCE COMPANY
OF ILLINOIS; RELIANCE INSURANCE
COMPANY; THE MUNICIPAL BOND
INVESTORS ASSURANCE CORPORATION;
ANNE ARUNDEL COUNTY, MARYLAND;
and THE ARTERY GROUP LLC,

Third-Party Defendants.

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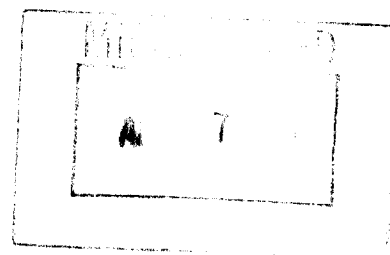
AUG 16 2000

AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

Civil Action No. PJM-98-1050

'APPROVED' THIS 16 DAY OF
of Aug, 20 00

P. J. Messitte
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE



NOTICE OF DISMISSAL OF THE ARTERY GROUP LLC

Pursuant to Rule 41(a)(1)(i) and (c) of the Federal Rules of Civil Procedure, Defendant and Third-Party Plaintiff The Bank of New York hereby dismisses its third-party claims against The Artery Group LLC ("Artery"). Artery has not yet served a responsive pleading to BNY's third-party complaint, and evidence has not been introduced at a trial or hearing before this Court on the issues in dispute between Artery and BNY. Under Rule 41, this dismissal is automatic and

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has immediate effect. *See, e.g., Finley Lines Jt. Protect. Bd. v. Norfolk So. Corp.*, 109 F.3d 993, 995-97 (4th Cir. 1997).

BNY's dismissal of its third-party claims against Artery is without prejudice.

Dated: Washington, D.C.
August 14, 2000

Respectfully submitted,

WHITE & CASE
LIMITED LIABILITY PARTNERSHIP

By: 

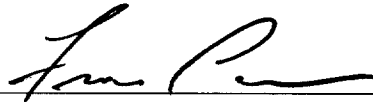
Christopher M. Curran (# 12658)
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*Attorneys for Defendant
The Bank of New York*

CERTIFICATE OF SERVICE

I hereby certify that on the 14h day of August, 2000, a copy of the foregoing Notice of Voluntary Dismissal was served on the following by hand delivery:

William F. Causey, Esq.
Nixon Peabody LLP
401 Ninth Street N.W., Suite 900
Washington, D.C. 20004
*Attorneys for Plaintiff
Mill Pond Associates Limited Partnership
and Third-Party Defendant The Artery Group
LLC*

A handwritten signature in black ink, appearing to read "Frank Panopoulos", is written over a horizontal line.

Frank Panopoulos